

REMARKS

Claims 1-13 are pending. The Examiner's reconsideration of the rejections is respectfully requested in view of the amendments and remarks.

Applicants appreciate the Examiner's indication that Claim 7 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 4 and 9 have been objected to as including unclear language.

Claim 4 and 9 have been amended to clarify the limitations, wherein Claim 4 recites "wherein IDs of descendent nodes of a node whose label is (begin-ID,end-ID) are in the range of [begin-ID,end-ID]" and Claim 9 recites "further comprising assigning a new label if the step of inserting creates a new node."

Reconsideration of the rejection is respectfully requested.

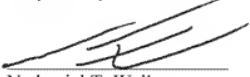
Claims 8 and 13 have been rejected under 35 USC 112, second paragraph, as failing to distinctly claim the subject matter which the applicant regards as the invention, wherein the Examiner pointed out limitations without antecedent basis. Claims 8 and 13 have been amended to correct the antecedent basis. Reconsideration of the rejection is respectfully requested.

Claims 1-6 and 8-13 have been rejected under 35 U.S.C. 102(a) as being anticipated by Wang et al., "A dynamic index method for querying XML data by tree structures." The Examiner stated essentially that Wang teaches all the limitations of Claims 1-6 and 8-13.

Attached hereto is an affidavit under 37 CCR 1.132 showing that the Wang reference is not by “another” under 35 USC 102(a). In view of the affidavit, the Wang reference is not believed to be prior art. The Examiner’s reconsideration of the rejection is respectfully requested.

For the forgoing reasons, the present application, including claims 1-13, is believed to be in condition for allowance. The Examiner’s early and favorable action is respectfully urged.

Respectfully submitted,



Nathaniel T. Wallace
Reg. No. 48,909
Attorney for Applicants

F. CHAU & ASSOCIATES, LLC
130 Woodbury Road
Woodbury, New York 11797
TEL: (516) 692-8888
FAX: (516) 692-8889